

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

JAMES DALTON BELL,  
v.  
USA, et al..

Petitioner,

Civil No. 07cv2259-BEN (AJB)

**ORDER DISMISSING CASE  
WITHOUT PREJUDICE**

## Respondents.

16 Petitioner, a federal prisoner proceeding pro se, has filed a Petition for Writ of Habeas Corpus  
17 pursuant to 28 U.S.C. § 2241, but has failed to pay the \$5.00 filing fee and has failed to move to proceed  
18 in forma pauperis. Because this Court cannot proceed until Petitioner has either paid the \$5.00 filing  
19 fee or qualified to proceed in forma pauperis, the Court **DISMISSES** the case without prejudice. See  
20 Rule 3(a), 28 U.S.C. foll. § 2254. If Petitioner wishes to proceed with this case, he must submit, **no**  
21 **later than January 22, 2008**, a copy of this Order with the \$5.00 fee or with adequate proof of his  
22 inability to pay the fee. The Clerk of Court shall send a blank Southern District of California In Forma  
23 Pauperis Application to Petitioner along with a copy of this Order.

IT IS SO ORDERED.

25 || DATED: December 4, 2007

Hon. Roger T. Benitez  
United States District Judge